

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX APPLICATION No 179 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
 2. To be referred to the Reporter or not? No
 3. Whether Their Lordships wish to see the fair copy of the judgement? No
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
 5. Whether it is to be circulated to the Civil Judge?

No

COMMISSIONER OF INCOME TAX

Versus

RAMPRASAD INVESTMENTS & TRADERS PVT. LTD.

Appearance:

MR MANISH R BHATT for Petitioner
RULE UNSERVED for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE A.R.DAVE

Date of decision: 28/09/98

ORAL JUDGEMENT (per R.K. Abichandani, J.)

The Revenue has suggested the following questions in para 4 of its application seeking a direction on the Income Tax Appellate Tribunal to call for the statement of case in respect thereof under Sec. 256(2) of the Income-tax Act, 1961.

"Whether the Appellate Tribunal is right in law and on facts in deleting the penalty levied u/s.

271(1)(c) of the I.T. Act?"

2. The question suggested is in respect of the penalty appeal decided by the Tribunal. The Tribunal had deleted the additions and against that order the questions were suggested by the Revenue in Income Tax Application No. 178/98 which has been rejected by us today. As a consequence, the Tribunal's finding that there remained no basis for imposition of penalty would be right and no question, as is suggested, can now survive because the penalty was rightly cancelled by the Tribunal.

3. This application is therefore rejected. Rule is discharged with no order as to costs.
